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PROGRAMME BUDGET FOR THE BIENNIUM 1992-1993

Commission of Experts Established Pursuant to Security Council resolution 780 (1992)

A. Revised estimates under section 38, Legal activities

1. In its resolution 771 (1992) of 13 August 1992, the Security Council reaffirmed the international obligations flowing from international humanitarian law and the Geneva Conventions of 12 August 1949 1/ and called upon States and international humanitarian organizations to collate substantiated information in their possession or submitted to them relating to the violation of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the former Yugoslavia and to make that information available to the Security Council.

2. By paragraph 2 of its resolution 780 (1992) of 6 October 1992, the Security Council requested the Secretary-General to establish, as a matter of urgency, an impartial commission of experts on violations of international law committed in the territory of the former Yugoslavia. The terms of reference of the Commission, as set out in resolution 780 (1992), are to examine and analyse the information submitted pursuant to resolutions 771 (1992) and 780 (1992), together with such further information as the Commission may obtain through its own investigations or efforts, with a view to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia.

3. Accordingly, the Secretary-General has established a Commission of Experts composed, in the first instance, of five members, one of whom he has designated Chairman. The members of the Commission, who will serve in their personal capacity, were appointed with due regard to their professional

qualifications, in particular in the areas of human rights, humanitarian and criminal law and prosecution, experience, integrity and absolute impartiality.

4. The Secretary-General has decided that the Commission would be located at the United Nations Office at Geneva and would be supported by a small secretariat to provide the necessary substantive, secretarial and administrative assistance. The Legal Counsel has been assigned overall responsibility for the work of the Commission, which will be serviced as a legal body by the Office of Legal Affairs. Appropriate office space and conference facilities will be provided by the United Nations Office at Geneva.

5. In establishing the Commission, the Secretary-General has taken into account the decision of the Commission on Human Rights (decision 1992/305 of 18 August 1992) to appoint a Special Rapporteur to investigate at first hand and receive information on the human rights situation in the territory of the former Yugoslavia. The secretariat of the Commission of Experts will see to it that the Commission, in the discharge of its mandate to analyse information with a view to providing conclusions on the evidence of grave breaches of humanitarian law, has at its disposal the information gathered within the Centre for Human Rights.

B. Requirements for 1992-1993 at full cost

6. Requirements for 1992-1993 are currently estimated at $1,238,700 on a full-cost basis. It is assumed that the Commission would meet at Geneva for approximately three to four days, every four weeks over a nine-month period. The Chairman would work full-time in Geneva for an initial period of nine months, and the four other members of the Commission would travel to Geneva approximately four times and work a total of four months each, as required. The Chairman would receive compensation equivalent to salary at the assistant secretary-general level and the other members of the Commission would receive compensation on an as-worked basis equivalent to the salary of a D-2. The core secretariat would initially be composed of three Legal Officers at the D-1, P-4 and P-3 levels, assisted by two General Service (Other level) staff. The estimated requirements also include provision for one mission to the territory of the former Yugoslavia for a two-week period. In addition, provision is made for the establishment of a computerized database of the reports submitted on alleged violations.

7. Regarding conference-servicing costs, it is assumed that the Commission would require interpretation into English and French and other meetings services for a total of 72 meetings. It is also estimated that the Commission would require 52 documents (260 pages) to be translated and issued in English and French.

8. On the basis of the above assumptions, the estimated requirements are summarized below:

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(a)	Commission and its secretariat	
	Compensation of the Chairman and four other members of the Commission	273 000
	Travel and subsistence of members of the Commission	142 400
	Salaries and common staff costs (one D-1, one P-4 and one P-3)	250 300
	Travel and subsistence of staff on mission	84 400
	General temporary assistance (20 work-months General Service (Other level))	120 000
	Data processing services	10 000
	Rental and maintenance of office equipment	4 900
	Supplies and miscellaneous	10 000
	Office automation equipment (three personal computers)	10 300
	Total (a)	905 300
(b)	Mission to the territory of the former Yugoslavia	
	Travel of members of the Commission	19 600
	Travel of staff	7 300
	Total (b)	26 900
(c)	Conference-servicing costs	306 500
	Grand total (a), (b), (c)	1 238 700

C. Potential for absorption

9. As indicated in the report of the Secretary-General, 2/ the requirements of the Commission would be met as far as possible from existing resources. Accordingly, at this stage, the Secretary-General would propose to redeploy temporarily in 1993 for the substantive servicing of the Commission a D-1 post and a P-3 post available for such redeployment in the context of the new treatment of vacancies and to use the P-4 post of Legal Liaison Officer at Geneva for this purpose. As appropriate, the Commission would also draw upon the resources made available to the Special Rapporteur of the Commission on Human Rights.

10. With respect to the conference-servicing costs, the programme budget for 1992-1993 provides not only for meetings known at the time of budget preparation but also for meetings that would be authorized subsequently, provided that the number and distribution of meetings and conferences are consistent with the pattern of meetings in previous years. On that basis, it is estimated that no additional resources would be required under section 41, Administration and management, of the programme budget for the biennium 1992-1993.

D. Net additional requirements

11. Additional appropriations of $681,900 would, however, be required under section 38, Legal activities, of the programme budget for 1992-1993 to cover the requirements for the compensation and travel of members of the Commission, as well as travel of its secretariat and general operating expenses, as follows:

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Compensation of experts	273 000
Travel of experts	162 000
Travel and subsistence of staff on mission	84 400
Other travel of staff	7 300
General temporary assistance	120 000
Data processing services	10 000
Rental and maintenance of office equipment	4 900
Supplies and miscellaneous	10 000
Office automation equipment	10 300
Total	681 900

E. Contingency fund

12. It will be recalled that, under the procedure established by the General Assembly in its resolution 41/213 of 19 December 1986, additional expenditures proposed over and above those in the programme budget should be accommodated within a contingency fund, revised to a level of $18 million for the biennium 1992-1993. Paragraph 11 of annex I to resolution 41/213, however, provides, inter alia, that revised estimates:

> "arising from the impact of extraordinary expenses, including those relating to the maintenance of peace and security, as well as fluctuations in rates of exchange and inflation, shall not be covered by the contingency fund and shall continue to be treated in accordance with established procedures and under the relevant provisions of the Financial Regulations and Rules."

13. In the Secretary-General's view, implementation of Security Council resolution 780 (1992) relates to the maintenance of peace and security. Accordingly, it is also his view that the related requirements of $681,900 that would arise are of an extraordinary nature, relating to the maintenance of peace and security, and should be treated outside the procedures related to the contingency fund.

F. Summary

14. It is estimated that an additional appropriation of $681,900 would be required under section 38 of the programme budget for 1992-1993.

15. The Secretary-General believes that these requirements should be dealt with under the provisions of paragraph 11 of annex I to General Assembly resolution 41/213 and should thus be treated outside the procedures related to the contingency fund.

16. The present estimates do not anticipate requirements that may arise from decisions that the Commission may take at its meeting from 14 to 18 December 1992 or subsequent meetings on investigations in the territory of the former Yugoslavia, for example, examination of mass grave sites, or activities pursuant to requests made by other bodies such as the Commission on Human Rights. Should such additional requirements arise, the Secretary-General could have recourse to the provisions of General Assembly resolution 46/187 of 20 December 1991 on unforeseen and extraordinary expenditures.

Notes

1/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

2/ S/24657.